



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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SUPERINTENDENT OF
PUBLIC INSTRUCTION

MEMORANDUM

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., Chairman

DATE: June 11, 2003

SUBJECT: Discussion on a Recommendation from the Special Education Advisory Committee (SEAC) to Update the State Board of Education Position Statement on Inclusive Education

In February, 1992, the State Board of Education adopted an Inclusive Education Position Statement (Attachment B). This document reaffirmed The Educational Assignment of Handicapped Children and Youth to Separate Facilities: A Policy Regarding Least Restrictive Environment (Attachment C) adopted by the State Board of Education in January, 1984.

Based on the reauthorization of the Individuals with Disabilities Education Act in 1997 (IDEA) and its implementing regulations in March of 1999, the Policy Committee of the SEAC determined that it was necessary to review and revise the State Board of Education Position Statement on Inclusive Education.

The IDEA, at § 300.347 and §§ 300.550 - 300.556 requires that, unless the Individualized Education Plan (IEP) determines otherwise, the student is educated with his/her nondisabled peers. Removal of students from the general education environment can occur "only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

The Proposed Inclusive Education Position Statement (Attachment A), drafted by the SEAC, includes a new 10-step least restrictive environment (LRE) consideration process, replacing the 1984 13-step process.

Under the regulations implementing the IDEA, the Department was required to seek public comment on any changes to the state's special education policies. The Office of Special Education and Early Intervention Services (OSE/EIS) conducted public hearings and received public comment from August 1, 2002 through October 31, 2002 on the SEACs proposed Inclusive Education Position Statement. The SEAC Policy Committee made revisions to the policy based on public comment and presented them to the Special Education Advisory Committee (SEAC) in June, 2003. In June 2003, the SEAC recommended that the State Board of Education Position Statement on Inclusive Education be brought to the State Board of Education for discussion.

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Proposed Inclusive Education Position Statement (June 4, 2003)

This paper sets forth the position of the Michigan State Board of Education regarding the placement of students with disabilities in general education programs within general education facilities. This encompasses the concept in the delivery of programs and services to students with disabilities known as inclusive education. Inclusive education should be integral to efforts in P.A. 25, school improvement, school restructuring, and core curriculum to enhance education for all students.

This paper serves as a statement of commitment to increasing opportunities for students with disabilities in general education classrooms within these facilities and to the integral involvement of parents in this process. It is the belief of the State Board of Education that special education and related services created in general education classrooms will not only maximize the potential of students with disabilities, but also prepare students who are not disabled for integrated community living.

For purposes of this paper, inclusive education is defined as follows:

The provision of educational services for students with disabilities, in schools where peers without disabilities attend, in age-appropriate general education programs under the direct supervision of general education teachers, with special education support and assistance as determined appropriate through the individualized education planning team (IEPT).

This definition is congruent with the Michigan Department of Education's belief that all children should have the opportunity to be educated together, regardless of disability, in the school he or she would attend if not disabled unless otherwise determined appropriate through the IEPT process.

The federal regulations at 34 CFR §300.347 and §§300.550 to 300.556 delineate the rights of students with disabilities to a placement in the least restrictive environment. (Attached)

These regulations state (in part) the following

That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum... must — include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

Must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

It is the policy of the State Board of Education, pursuant to state and federal requirements, that students with disabilities must be educated with their nondisabled peers to the maximum extent appropriate to meet their individual educational needs and potential. So that this may

be realized, it is essential that options be available in general education programs within our general education facilities. Further, a process (see LRE placement considerations) must be followed by the individualized educational planning team which include an explanation of the extent to which the student will not participate with nondisabled students in the general education program, in extracurricular and other nonacademic activities. Education assignments are not to be based on the label describing the student's disability or the availability of programs.

It is believed that adherence to the contents of this paper by Michigan's public schools will assure an educational environment that is appropriate for serving the individual needs of each of Michigan's students with disabilities, as well as foster the preparation of all youth for a lifetime of integrated community living.

Least Restrictive Environment (LRE) Placement Considerations

The State Board of Education is in agreement with the following statement taken from S.Rep. No. 105-107, p.20; H.R. Rep. No 105-95, p.99 (1997):

The Committee wishes to emphasize that once a child has been identified as being eligible for special education, the connection between special education and related services and the child's opportunity to experience and benefit from the general education curriculum should be strengthened. The majority of children identified as eligible for special education and related services are capable of participating in the general education curriculum to varying degrees with some adaptations and modifications. This provision is intended to ensure that children's special education and related services are in addition to and are affected by the general education curriculum, not separate from it.

The State Board of Education supports the use of the following 10 step process in determining the educational placement of all students with disabilities.

1. The student's eligibility for special education is determined by the individual educational program team (IEPT).
2. The student's specific educational needs (cognitive, affective, and psychomotor) are identified and discussed by the IEPT.
3. The IEPT should give first consideration to the appropriateness of placement in the general education environment with modifications and supports. The full continuum of services will be considered without regard to current availability.
4. The extent to which the student will not participate in general education programs is determined by the IEPT.
5. The specific special education and related services necessary to address the student's needs identified in step 2 are determined by the IEPT. These programs and services must be identified by rule number and provider title.
6. In selecting the LRE, consideration is given to any potential harmful effects on the student or on the quality of services that he/she needs (300.552d).
7. A determination of where the programs and services may most appropriately be provided, including consideration of placement as close as possible to the child's home, may be made by the IEPT.

8. If the IEPT does not make a specific facility determination, documentation of the placement considerations will be forwarded to the school district Superintendent. The Superintendent will review the placement considerations and make a determination of where and when the programs and services will begin.
9. In either case, the district Superintendent is then required to inform the parent of the public agency's intent to implement the individualized education program, to identify where those programs and services will be provided, and when they will begin (R 340.1772a).
10. Upon receiving written notice, the parent then has a reasonable time as defined in federal language at 300.503, in Michigan Rule 340.1722a, 10 calendar days on initial placement or up to 15 days on subsequent placements to 1) accept the Superintendent's decision as appropriate, 2) request mediation and/or a hearing related to eligibility, the individualized education program, or the placement decision, or 3) request another IEP.

Least Restrictive Environment (LRE)

§300.550 General LRE requirements.

- (a) Except as provided in §300.311(b) and (c), a State shall demonstrate to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets the requirements of §§300.550-300.556.
 - (b) Each Public agency shall ensure—
 - (1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - (2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- (Authority: 20 U.S.C. 1412(a)(5))

§300.551 Continuum of alternative placements.

- 3. Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
 - 4. The continuum required in paragraph (a) of this section must—
 - (b) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - (c) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.
- (Authority: 20 U.S.C. 1412 (a)(5))

§300.552 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that—

- 1. The placement decision—
 - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - (2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;
 - 2. The child's placement—
 - (1) Is determined at least annually;
 - (2) Is based on the child's IEP; and
 - (3) Is as close as possible to the child's home;
 - 3. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.
 - 4. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
 - 5. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
- (Authority: 20 U.S.C. 1412 (a)(5))

§300.553 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

(Authority: 20 U.S.C. 1412 (a)(5))

§300.554 Children in public or private institutions.

Except as provided in §300.600(d), an SEA must ensure that §300.550 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement of special implementation procedures).

(Authority: 20 U.S.C. 1412 (a)(5))

§300.555 Technical assistance and training activities.

Each SEA shall carry out activities to ensure that teachers and administrators in all public agencies-

- (a) Are fully informed about their responsibilities for implementing §300.550; and
- (b) Are provided with technical assistance and training necessary to assist them in this effort.

(Authority: 20 U.S.C. 1412 (a)(5))

§300.556 Monitoring activities.

- (a) The SEA shall carry out activities to ensure that §300.550 is implemented by each public agency.
- (b) If there is evidence that a public agency makes placements that are inconsistent with §300.550, the SEA shall—
 - (1) Review the public agency's justification for its actions; and
 - (2) Assist in planning and implementing any necessary corrective action.

(Authority: 20 U.S.C. 1412 (a)(5))